

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

**FOND DU LAC BUMPER EXCHANGE INC et al.,
Plaintiffs,**

v.

Case No. 09-C-852

**JUI LI ENTERPRISE COMPANY LTD et al.,
Defendants.**

ORDER

On April 10, 2018, the direct purchaser plaintiffs (DPPs) in this antitrust action moved for an order permitting disclosure to the Taiwan Tax Authority of certain documents produced during discovery and marked confidential by defendants Taiwan Kai Yih Industrial Co. Ltd. (TKY) and Gordon Auto Body Parts as part of DPPs' efforts to obtain a refund of a 20% tax on funds paid by these defendants to DPPs to settle DPPs' claims against them. I granted that motion on April 11, 2018.

Gordon and TKY's successor in interest, defendant Tong Yang Industry Co. Ltd. (TYI), move for reconsideration of my order asserting that the information DPPs seek to disclose to the Taiwanese government is "granular sales data" that is "some of the most sensitive information they keep." See *Defs.' Mot.*, ECF No. 1157, at 2. According to Gordon and TYI, "[i]f this information were to be improperly disclosed, there would be a risk of serious, irreparable harm . . . and they would have virtually no remedy." *Id.* In other words, Gordon and TYI do not oppose disclosure to the Taiwan Tax Authority *per se* but are concerned with the potential for subsequent, improper disclosure as a result.

Yet, if DPPs do not disclose the requested information to the Taiwan Tax Authority, they have reason to believe that there is a "high possibility" that it will reject

their application for a tax refund totaling approximately \$5 million. See Pls.' Mot., ECF No. 1154, at 2; Hartley Decl., ECF No. 1155, ¶ 5. This concern substantially outweighs Gordon and TYI's relatively vague apprehension about potential improper disclosure and possible damage resulting therefrom. Thus, I will not revise my prior order.

THEREFORE, IT IS ORDERED that defendants' motion for reconsideration (ECF No. 1157) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 12th day of April, 2018.

s/Lynn Adelman
LYNN ADELMAN
District Judge